
What is an appeal?

A zoning appeal is when the decision or determination made by the zoning administrator is questioned.

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When is the best time to file for a zoning appeal?

Appeals must be filed within thirty days of a zoning administrator's decision.

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What must be submitted in order to file a zoning appeal?

Submit an "Appeal of a Decision by the Zoning Administrator" form available from the Planning and Engineering Department stating the reason for the appeal.

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What happens after I apply for a zoning appeal?

After making an application to appeal a decision, the property is posted, adjoining properties are notified, and a public hearing is conducted at a regular Board of Zoning Appeals meeting. Final decision is rendered by vote of the Board of Zoning Appeals.

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What is the criteria followed by the Board in determining an appeal?

The Board of Zoning Appeals must decide whether the zoning administrator correctly interpreted the ordinance.

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How much is the appeal fee?

\$ The cost to apply for a appeal is \$100 payable to the Town of Blacksburg.

\$ First Class postage for the notification of all adjacent property owners must also be included.

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How long does the Variance or Appeal Process take?

The process takes approximately one month.

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For more information contact:

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Zoning Variances & Appeals



Land Development Brochure

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ZONING VARIANCES **& APPEALS**

What is a variance?

A provision in the Zoning Ordinance which allows an applicant to depart from the standard rules of the Zoning Ordinance.

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Who can grant a variance?

The Board of Zoning Appeals has the authority to grant variances in cases where strict application of the Zoning Ordinance would result in unnecessary hardship for the property owner.

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What is the basis for a variance?

The Board of Zoning Appeals must base their decision on the following considerations, stated in the Town's Zoning Ordinance, Article 1, Div. 14, Section 1241, when they grant variances.

1. Because of special conditions associated with the property, such as exceptional topographic conditions, the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property.
2. Due to the condition or development of immediately adjacent property, the strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict the use of the property.

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3. If the applicant can clearly demonstrate a hardship approaching confiscation, as opposed to a special privilege or convenience.

In addition, if the Board finds a hardship, all three of the following must be met by the applicant:

1. That the strict application of this chapter would cause undue hardship.
2. That the hardship is not shared generally by other property in the same zoning district and the same vicinity.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of a variance.

Furthermore, variances are not authorized to deal with general situations in which an amendment to the Zoning Ordinance is more appropriate.

Before applying for a variance, discuss your situation with a member of the Planning Department staff. A solution may be discovered without the use of a variance.

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When are applications accepted?

The deadline for applications and required material is the second Friday of each month.

What kind of information do I need to submit?

- ⇒ A completed application is due by the second Friday of the month
- ⇒ 32 copies of the sketch plan or plat of the property in question showing the boundaries, structures, streets, improvements, a vicinity map, and the dimensions from any proposed structure to the lot lines. Only 1 copy is needed if it is 11" x 17" or less.
- ⇒ A list of all adjacent property owners and their addresses.

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